

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5; Title 39, Chapter 15, Part 3; Title 40, Chapter 28 and Title 40, Chapter 35, to increase the punishment for certain sexual offenses committed against children of a certain age.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-503, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

(2) If the victim of a violation of this section is less than thirteen (13) years of age, rape is a Class A felony.

SECTION 2. Tennessee Code Annotated, Section 39-13-504, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

(2) If the defendant is convicted under subsection (a)(4) of this section, aggravated sexual battery is a Class A felony.

SECTION 3. Tennessee Code Annotated, Section 39-15-302, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

(2) If the victim of a violation of this section is less than thirteen (13) years of age, incest is a Class B felony.

SECTION 4. Tennessee Code Annotated, Section 39-13-505, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

(2) If the victim of a violation of this section is less than thirteen (13) years of age, sexual battery is a Class D felony.

SECTION 5. Tennessee Code Annotated, Section 40-35-111, is amended by adding the following new subsection to be designated as subsection (d) and by relettering present subsections accordingly:

(d)(1) Notwithstanding the provisions of subsection (b) of this section to the contrary, the authorized terms of imprisonment for a person convicted under Tennessee Code Annotated, Sections 39-13-503(b)(2), and 39-13-504(b)(2), shall be the same as provided in subsection (b)(2) of this section for a Class B felony.

(2) Notwithstanding the provisions of subsection (b) of this section to the contrary, the authorized terms of imprisonment for a person convicted under Tennessee Code Annotated, Section 39-15-302(b)(2), shall be the same as provided in subsection (b)(3) of this section for a Class C felony.

(3) Notwithstanding the provisions of subsection (b) of this section to the contrary, the authorized terms of imprisonment for a person convicted under Tennessee Code Annotated, Section 39-13-505(b)(2), shall be the same as provided in subsection (b)(4) of this section for a Class D felony.

SECTION 6. Tennessee Code Annotated, Section 40-35-211, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) Notwithstanding the provisions of subsection (a) to the contrary, in fixing a sentence for a violation of Tennessee Code Annotated, Sections 39-13-503(b)(2), 39-13-504(b)(2), 39-13-505(b)(2), or 39-15-302(b)(2), the court shall fix the sentence from within the

authorized terms of imprisonment set out in Tennessee Code Annotated, Section 40-35-111(d) for such offenses. Otherwise, the provisions of subsection (a) shall apply to all such sentences.

SECTION 7. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as an appropriately numbered new section:

(a) Except as provided in this section, the provisions of this part and Tennessee Code Annotated, Title 40, Chapter 28, shall govern the release of inmates sentenced under Tennessee Code Annotated, Sections 39-13-503(b)(2), 39-13-504(b)(2), 39-13-505(b)(2) or 39-15-302(b)(2).

(b)

(1) Notwithstanding the provisions of Tennessee Code Annotated, Section 40-35-504, to the contrary, an inmate sentenced under Tennessee Code Annotated, Section 39-13-503(b)(2), or 39-13-504(b)(2), shall remain under active parole supervision from the date of release on parole until the expiration of the maximum term of imprisonment authorized by Tennessee Code Annotated, Section 40-35-111 (b), for a Class A felony. If an inmate sentenced under either such section is not granted parole, such inmate shall nevertheless be placed under active parole supervision from the date his or her sentence of incarceration expires until the expiration of the maximum term of imprisonment authorized by Tennessee Code Annotated, Section 40-35-111(b), for a Class A felony.

(2) Notwithstanding the provisions of Tennessee Code Annotated, Section 40-35-504, to the contrary, an inmate sentenced under Tennessee Code Annotated, Section 39-15-302(b)(2), shall remain under active parole supervision from the date of release on parole until the expiration of the maximum term of imprisonment authorized by Tennessee Code Annotated, Section 40-35-111(b), for a Class B felony. If an inmate sentenced under such section is not granted parole, such inmate shall nevertheless be placed under active parole supervision from the date his or her sentence of incarceration expires until the expiration of

the maximum term of imprisonment authorized by Tennessee Code Annotated, Section 40-35-111(b), for a Class B felony.

(3) Notwithstanding the provisions of Tennessee Code Annotated, Section 40-35-504, to the contrary, an inmate sentenced under Tennessee Code Annotated, Section 39-15-505(b)(2), shall remain under active parole supervision from the date of release on parole until the expiration of the maximum term of imprisonment authorized by Tennessee Code Annotated, Section 40-35-111(b), for a Class D felony. If an inmate sentenced under such section is not granted parole, such inmate shall nevertheless be placed under active parole supervision from the date his or her sentence of incarceration expires until the expiration of the maximum term of imprisonment authorized by Tennessee Code Annotated, Section 40-35-111(b), for a Class D felony.

(c) The provisions of Tennessee Code Annotated, Title 40, Chapter 28, Part 2, relative to the requirement that parolees must pay a supervision fee and make payments to the criminal injuries compensation fund shall apply to all inmates under parole supervision pursuant to the provisions of this act for the entire time they are on such supervision.

SECTION 8. This act shall take effect July 1, 1995, the public welfare requiring it and shall apply to all persons committing designated offenses on or after such date.

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